

REMARKS

The Official Action including the Examiner's comments of March 26, 2003 are noted.

Regarding the rejection under 35 USC 112 of the claims because of the presence of the phrase "or the like" or words to that effect, the same is respectfully traversed. In this regard, it will be pointed out that the section of the Manual referred to by the Examiner; namely section MPEP §2173.05 (d), is addressed to the situation whereby a term such as "or like material" is not clear when it is not pointed out how materials other than the coke or brick had to resemble the two specified materials to satisfy the limitation of the claim, made the rejection in that case an appropriate rejection.

In the instant case, however, it is clear how the structural members that are embraced within "or like structural members", are related to studs, beams, or rafters. They are related in that they are recited as "or like spaced-apart structural members." Thus, any structural members that are not specifically enumerated in this preamble of the claim, are structural members that are like the studs, beams or rafters, in that they are spaced-apart like studs, beams or rafters are spaced-apart. Thus, the basis in the MPEP for *sometimes* finding objectionable language in claims using "or like" is not present in the instant application. The relationship of other structural members would be that they are related to the studs, beams or rafters, in that they have to be spaced-apart like those studs, beams, or rafters.

Moreover, it will be pointed out that in the instant claims, what we are dealing with here, is a preamble limitation, not a structural limitation, with the preamble limitation being a statement of intended use.

Accordingly, it is submitted that the language used in the claims is entirely appropriate.

Other changes in claims 1 and 8 have been made, for purposes of clarity, and to more clearly define over the prior art.

With respect to the prior art, it will be noted that the principal reference applied by the Examiner is Buttress et al 1, 568, 314. Clearly, Buttress et al is not dealing with a blanket of fiberglass building insulation; rather, it is dealing with an essentially rigid composition board. The layer 5 is a thick layer of adhesive that connects the two facing layers 6 and 7, in Buttress et al. Buttress et al has no layer that is comparable to the fibrous insulation layer of the instant application. In order to provide greater clarity in the instant application, the relative thicknesses of the insulation layer, the adhesive layer, and the facing sheet have been set forth in the claims, so that, clearly, Buttress et al cannot be applied against the claims.

Additionally, it would be pointed out there is nothing whatever in Buttress et al that teaches either of the limitations of clauses (f) and (g) of claim 1. There is no teaching in the reference of any perforations comprising "means defining generally straight predetermined cut lines... in accordance with a pattern defined by at least some of said spots of adhesive".

Moreover, there is no teaching in the Buttress reference that a blanket of insulation may readily be cut along a line of said spots of adhesive to accommodate spaces between spaced-apart structural members of lesser spacing than said given dimension.

In Buttress et al, the projections 8 are there to receive plaster that will be troweled thereover, so that the plaster can adhere to the surface 7, more readily, rather than the surface 7 presenting a smooth surface which may not readily accept plaster. That is not the function of the spots of adhesive that appear through the grid of perforations on the facing sheet of the instant invention.

Thus, in many specific structural respects, the structure required by claim 1 is not met nor suggested in Buttress et al.

Moreover, the function required by the means recited in claim is not taught nor suggested in Buttress et al.

In view of the above, claim 1 and all of its dependent claims are submitted to be properly allowable.

The rejections of the claims over combinations of Buttress and secondary prior art have also been considered, and in view of the failure of any of the items of the applied secondary prior art to teach the features of claim 1 that are addressed above, these rejections, it is submitted, must also fail.

Specific comments are in order regarding the prior rejections of claims 5 through 7, in view of the deficiencies of Buttress in teaching the spacing-apart nature of the cut lines as required by these claims.

It is admitted by the Examiner that Buttress discloses perforations being 0.5 inches apart. But that spacing is so that a plaster material can be applied to the surface and will stick. With the sticking of plaster being the goal, clearly, perforations spaced apart 3 inches to 3.75 inches as set forth in the claims would not satisfy the requirements of Buttress of having such perforations spaced sufficiently closely together that the applied plaster or like material would adhere to the surface. In fact, it should be readily apparent that such a spacing would be detrimental to what Buttress is attempting to do. Accordingly, the dimensional features set forth in claims 5 through 7 would not be obvious to obtain by a modification of Buttress. In fact, to do so would probably destroy the intended operation of Buttress.

Method claims 8 and 9 have been amended to incorporate many of the features addressed above with respect to claim 1 and it is submitted that those claims are likewise allowable for the reasons set forth above with respect to claim 1.

Reconsideration and allowance of all the claims is respectfully submitted.